

U.S. Department of Justice



*United States Attorney
Southern District of New York*

86 Chambers Street
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March 27, 2025

BY ECF

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312 New York, NY 10007

Re: *New York Times v. Dep't of Justice*, 23 Civ. 4402 (AT)

Dear Judge Torres:

This Office represents the defendant in this Freedom of Information Act (“FOIA”) action. We write with plaintiff’s consent to request a limited modification of the Court’s February 21 Opinion and Order (the “Opinion”), ECF No. 46, so that the government may, when it produces the report that the Court ordered disclosed in part in the Opinion, maintain two narrow redactions on parts of three lines on a single page.

Following the Court’s decision last month on the parties’ cross-motions for summary judgment, the government has been working to finalize a revised version of the report at issue for release. During this work, the government determined that two passages—occurring on three lines of page 17—should have been marked as protected on behalf of the FBI by FOIA exemption 7(E), as well as exemptions 6 and 7(C). These passages include direct quotations and thus would fall within the Court’s disclosure order. *See* Opinion at 12. However, the material in these two passages describes law enforcement-sensitive details of an individual FBI employee’s job duties that do not relate to the misconduct at issue. Based on these representations, plaintiff has agreed to permit the government to maintain the redactions of these two passages.

Because disclosure of these passages would otherwise be required by the Opinion, we respectfully request that the Court so-order this letter to give effect to the parties’ agreement. The government is prepared to release the report with revised redactions as otherwise directed by the Opinion by March 31, as the Opinion requires, *see id.* at 14.

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We thank the Court for its consideration of this request.

Respectfully submitted,

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